



5 July, 2011

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Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Ms. Dortch, or reviewing designee,

APPEAL:

This correspondence is the SMCISD appeal of USAC's Notification of Commitment Adjustment Letter dated May 9, 2011.

ADMINISTRATIVE DATA:

CC Docket No. 96-45
CC Docket No. 02-06
Company Name: San Marcos Cons Indep Sch Dist
Billed Entity Name: San Marcos Cons Indep Sch Dist
Billed Entity Number: 141733
Form 471 Application Number: 532185
FRN: 1469879

CONTENT OF APPEAL:

SMCISD disagrees with the statement "USAC has determined the applicant is responsible for all or some of the violations."

JUSTIFICATION FOR APPEAL:

We believe that SMCISD has not violated any program rules while seeking reimbursements from EdSoft Software Corporation (aka D2SC). Although no rule

violation is outlined in the Notification of Commitment Adjustment (COMAD), previous correspondence affirms USAC has determined the service received from EdSoft is ineligible. SMCISD has provided USAC and the FCC multiple copies of EdSoft invoices and eligibility cost allocation tables that support EdSoft's endorsement that the service is eligible for funding according to the ESL. As a result, two subsequent funding requests for the same EdSoft webhosting service have been denied by USAC, and appealed to the FCC where they are currently pending a decision. Until a decision is rendered for these appeals, it is not clear whether the service received is eligible or ineligible for funding according to the Eligible Services List. It is our assumption that a decision on one of the existing appeals will be applicable to all funding requests for the service, and that this decision must be known before any funding commitments are adjusted.

In the event that the FCC agrees with our pending appeals, the service should be considered eligible according to the ESL thus disqualifying a COMAD.

In the event that the FCC disagrees with our pending appeals, the service should be considered ineligible according to the ESL, and further correspondence requested to clarify which program rules were violated by SMCISD or EdSoft.

Point of contact for this correspondence is Greg Hubenak, Director of Technology, SMCISD. Greg.hubenak@smcisd.net, 512.393.6905.

Respectfully,

A handwritten signature in black ink that reads "Greg Hubenak". The signature is written in a cursive, flowing style.

GREG HUBENAK
Director of Technology
SMCISD